



NAVAJO NATION HUMAN RIGHTS COMMISSION

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NNHRC releases its relocation public hearing report citing human rights violations

Navajo human rights officials release their "Public Hearing Report: The Impact of the Navajo-Hopi Land Settlement Act of 1974—P.L. 93-531 et al."

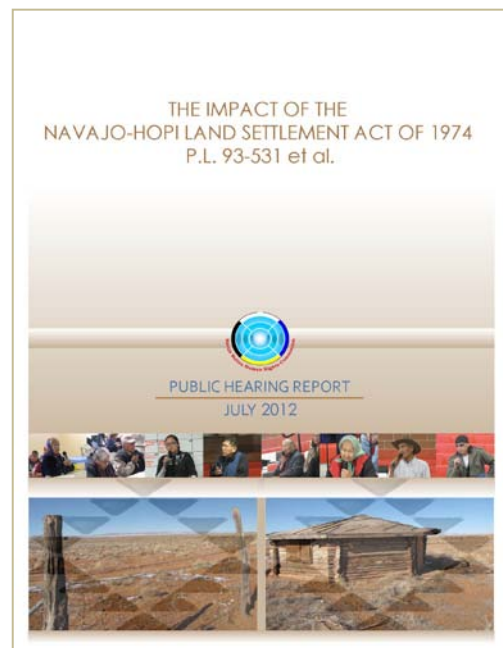
SAINT MICHAELS, Navajo Nation— The Navajo Nation Human Rights Commission distributed its report, "Public Hearing Report: The Impact of the Navajo-Hopi Land Settlement Act of 1974—P.L. 93-531 et al.," to representatives of the Navajo Nation about Diné citizens' human rights violations on Friday, August 3, 2012. To read the report, go to www.nnhrc.navajo-nsn.gov.

On July 6, 2012, commissioners for NNHRC unanimously adopted the public hearing report in a resolution (NNHRCJULY-21-12) as one of two last actions before ending their four year term on July 14, 2012.

NNHRC adopted the United Nations Declaration on the Rights of Indigenous Peoples in 2008 as a minimum standard of achievement for NNHRC when advocating for and protecting the human rights of Navajo citizens. With that, UNDRIP provided the standard to ascertain human rights violations in NNHRCs public hearing report.

Presently, NNHRC is the only Navajo Nation governmental entity using the U.N. Declaration on the Rights of Indigenous Peoples as a minimal standard of achievement.

What is not widely known is that the Navajo Nation officials presented recommendations to a working group when the Declaration was in draft form and had advocated its adoption by the U.N. General Assembly for nearly 15 years. In 2007, the United Nations adopted UNDRIP and later the United States as a member state to the United Nations did too, in 2010.



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Interestingly, “[m]any of the Navajo families who are suffering from the Navajo-Hopi relocation program have journeyed to faraway places such as Geneva, Switzerland, in order to present their stories to international bodies,” according to NNHRCs resolution. Further, “[m]any of these international travels coincided with the Navajo Nation’s advocacy for the adoption of UNDRIP.” As a result, “the input and advocacy by the Navajo families who are directly impacted by the Navajo-Hopi relocation resulted in the United Nations General Assembly adopting Article 10 of UNDRIP.”

Article 10 of the U.N. Declaration on the Rights of Indigenous Peoples states,

“Indigenous peoples shall not be forcibly removed from their lands or territories.”
No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

Decisively, according to NNHRCs resolution the commission found that, “Navajo families and individuals [who] were relocated from their traditionally owned and used homelands, including those [who] remained on their lands under arrangements, have egregiously suffered, and continue to grieve, largely from the long lasting and devastating impacts on their lives.”

Glimpse at the Report

The report provides a sincere acknowledgement section from the commissioners, a summary of the historical account of the Navajo-Hopi land settlement, an overview of the international human rights laws including standards of assessing the impacts of relocation, a comprehensive summary of the testimonies provided by Diné and non-Diné individuals, 22 findings, and 16 recommendations.

As an example, the first finding in the report states, “Because the Navajo-Hopi Relocation Act falls within the scope of human rights violations under the standards of the United Nations Declaration on the Rights of Indigenous Peoples, the Navajo Nation Human Rights Commission recommends P.L. 93-531 et al., be repealed. Navajo lands should be returned to the Navajo Nation and all efforts to compete relocation should be halted immediately.”

Finally, NNHRC states, “The legacy of [Public Law] 93-531 et al. has been a source of profound dislocation, alienation, and trauma for Diné citizens who have been forced to relocate from their homeland and based upon investigation, NNHRC finds the forced relocation of over [ten] thousand Navajos is a clear violation of their human rights.”

The Navajo Nation Human Rights Commission, initiated this process with its charge to conduct public hearings on and off the Navajo Nation to determine the state of race relations between Navajos—Diné, and non-Navajos. The state of race relations was assessed after NNHRC held a series of public hearings in 25 neighboring communities surrounding the Navajo Nation to determine if Navajo human rights were being violated.

At that time, about 158 people testified. Many of whom were relocated as a result of the Navajo-Hopi Settlement Act of 1974—P.L.93-531.

Following the race relations hearings, two months later in 2009, to focus directly about the impact of the Navajo-Hopi Land Settlement Act of 1974, NNHRC conducted seven public hearings and received 124 testimonies. NNHRC conducted public hearings in Birdsprings, Navajo Nation; Dilkon, Navajo Nation; Tonalea, Navajo Nation; Pinon, Navajo Nation; Sanders, Navajo Nation; Flagstaff, Ariz., and in Tuba City, Navajo Nation beginning on November 17, 2009 to January 14, 2010.

Throughout the week, NNHRC will provide a series of statements to better provide a comprehensive overview of the testimonies, NNHRC findings and recommendations, redress, and Commissioners' concerns to the public through different media efforts.

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**Resolution of the
Navajo Nation Human Rights Commission**

**Adopting the Public Hearing Report: The Impact of the Navajo-Hopi Land Settlement Act of 1974
– P.L. 93-531, *et al.*, and Approving the Dissemination of the Report**

WHEREAS:

1. Pursuant to 2 N.N.C. § 920, the Navajo Nation Human Rights Commission (herein referred to as “Commission”) is established in the Legislative Branch as an entity of the Navajo Nation government; and
2. One of the purposes of the Commission is to conduct public hearings on and off the Navajo Nation to determine the state of race relations between Navajos and non-Navajos. From August 2008 to July 2012, the Commission conducted several public hearings, one which was to receive input and information from Navajos and non-Navajos regarding the relocation of Navajos from their homelands under the directions of the United States of America’s (“United States”) government. The relocation is better known as the Navajo-Hopi Land Dispute; and
3. By Resolution NNHRCFEB-02-09, the Commission adopted the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) as the minimum standard of achievement for the Commission when advocating for and protecting the human rights of Navajo citizens. The Navajo government advocated for the adoption of UNDRIP by presenting recommendations during the meetings conducted by the United Nations Working Group on the Draft Declaration on the Rights of Indigenous Peoples. These meetings took place in Geneva, Switzerland, during the course of fifteen years, which resulted in the adoption of UNDRIP by the United Nations General Assembly in September 2007; and
4. UNDRIP is unanimously supported by nation-states of the world, including the United States. It provides for minimum legal standards that nation-states must achieve when addressing the rights of indigenous peoples. Nation-states agree to change their domestic laws and policies in order to advance the protection of indigenous rights stated in UNDRIP. Under Article 10, nation-states agreed that:

“Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”
5. Furthermore, UNDRIP provides at Article 11:

“1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.”

6. As provided in the attached Exhibit "A" public hearing report, entitled "*Public Hearing Report: The Impact of the Navajo-Hopi Settlement Act of 1974 – P.L. 93-531, et al.*," the Commission finds that Navajo families and individuals that were relocated from their traditionally owned and used homelands, including those that remain on their lands under arrangements, have egregiously suffered, and continue to grieve, largely from the long lasting and devastating impacts on their lives. These negative impacts affect future generations and eventual loss of Navajo families and individuals' connectivity to their traditionally owned and used lands and resources, including revitalization of their cultures, traditions and customs; and
7. The Commission further notes that many of the Navajo families that are suffering from the Navajo-Hopi relocation program have journeyed to faraway places such as Geneva, Switzerland, in order to present their stories to international bodies. Many of these international travels coincided with the Navajo Nation's advocacy for the adoption of UNDRIP. The input and advocacy by the Navajo families that are directly impacted by the Navajo-Hopi relocation resulted in the United Nations General Assembly adopting Article 10 of UNDRIP; and
8. The Commission is indebted to all families, individuals and concerned citizens that shared their stories and tragedies they experienced as a direct result of the Navajo-Hopi relocation program. The spoken words are sacred and testimony presented to the Commission by individuals is treated with respect and honesty. This tenant arises from the concept of K'e, which creates and binds relationships among peoples. It is from this frame of reference that the Commission listened and talked to presenters during the public hearing and formulated the report attached hereto as Exhibit "A," entitled "*Public Hearing Report: The Impact of the Navajo-Hopi Settlement Act of 1974 – P.L. 93-531, et al.*"

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Human Rights Commission hereby adopts the forced relocation public hearing report entitled "*Public Hearing Report: The Impact of the Navajo-Hopi Settlement Act of 1974 – P.L. 93-531, et al.*," attached hereto as Exhibit "A."
2. The Navajo Nation Human Rights Commission further hereby directs the Office of Navajo Nation Human Rights Commission to transmit this resolution to the Navajo Nation Council, and Navajo Nation President and Vice President and make available to citizens of the Navajo Nation through appropriate means, including but not limited to posting it on the Commission website www.nnhrc.navajo-nsn.gov, a copy of the Exhibit "A" public hearing report.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission at a duly called meeting at St. Michaels, Navajo Nation (AZ), at which a quorum was present and that same was passed by a vote of 4 in favor and 0 opposed this 6th day of July, 2012.


 Duane H. Yazzie, *Chairperson*